

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

STATE OF TENNESSEE, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES, *et al.*,

Defendants.

No. 3:25-cv-25

**DEFENDANTS' CONSENT MOTION FOR AN EXTENSION OF TIME TO
RESPOND TO MOTION TO INTERVENE**

Defendants respectfully move to extend their deadline to respond to proposed intervenors' motion to intervene, for which the current deadline is March 6, 2025, so that their response will be due April 14, 2025. Defendants have conferred with plaintiffs and proposed intervenors, and both consent to this request.

1. Plaintiffs commenced this lawsuit on January 17, 2025, challenging a rule promulgated by the Department of Health and Human Services, *HIPAA Privacy Rule to Support Reproductive Health Care Privacy*, 89 Fed. Reg. 32976 (Apr. 26, 2024) ("Rule"). Three weeks later, a coalition of two Midwest cities and a nonprofit organization sought to intervene as defendants. *See* ECF No. 31. That same coalition has also sought to intervene as defendants in other challenges to the Rule. *See Purl v. HHS*, No. 2:24-cv-228 (N.D. Tex.), ECF No. 49 (motion to intervene filed Jan. 17, 2025); *Texas v. HHS*, No. 5:24-cv-204 (N.D. Tex.), ECF No. 26 (motion to intervene filed Jan. 17, 2025); *Missouri v. HHS*, No. 4:25-cv-77 (E.D. Mo.), ECF No. 5 (motion to intervene filed Feb. 10, 2025). As defendants have explained, *see* ECF No. 51, proposed intervenors served defendants with their motion in this case on February 20, 2025, making their response due March 6, 2025, *see* LR7.1(a).

2. Undersigned counsel represents the government in each of the pending challenges to the Rule, *see supra*, for which there are several other briefing deadlines in March. In this case, defendants' response to plaintiffs' motion for summary judgment and preliminary relief is due March 13, 2025, and its responsive-pleading deadline is March 28, 2025. *See* ECF No. 51. In *Purl*, the government is in the middle of briefing dispositive cross-motions, with one round of briefing that was due earlier this week and another due March 17, 2025. *See Purl v. HHS*, No. 2:24-cv-228 (N.D. Tex.), ECF No. 64. And in *Missouri*, the government's responsive-pleading deadline is March 31, 2025. *See Missouri v. HHS*, No. 4:25-cv-77 (E.D. Mo.), ECF No. 22. In addition to these deadlines and other duties, undersigned counsel also has briefing due in an unrelated matter on March 6, 2025.

3. Given the current demands of undersigned counsel's caseload, defendants respectfully request that the Court extend their deadline to respond to proposed intervenors' motion to intervene. In *Missouri*, the parties and proposed intervenors have jointly proposed a schedule for briefing the motion to intervene in that case, whereby defendants' response would be due April 14, 2025. For efficiency's sake, defendants request that their response to the motion to intervene in this case be due April 14, 2025, as well.

4. Counsel for proposed intervenors requested that if the parties agree to settle or otherwise resolve this lawsuit between now and April 14, 2025, defendants will notify the Court so that it may consider whether the briefing schedule on the motion to intervene should be accelerated, and defendants have agreed to do so.

Defendants appreciate the Court's consideration. A proposed order is attached.

Dated: March 5, 2025

Respectfully submitted,

YAAKOV M. ROTH
Acting Assistant Attorney General

ERIC B. BECKENHAUER
Assistant Branch Director

/s/ Jody D. Lowenstein

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CERTIFICATE OF SERVICE

On March 5, 2025, I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court, Eastern District of Tennessee, using the Court's electronic case filing system. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Jody D. Lowenstein
JODY D. LOWENSTEIN
Trial Attorney
U.S. Department of Justice